

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2020 No. 143.

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STATUTORY INSTRUMENTS

2020 No. 143

The National Environment (Environmental and Social Assessment) Regulations, 2020.

(Under sections 112(2), 113(2), 114(2), 115(7) and 179 of the National Environment Act, Act No, 5 of 2019)

IN EXERCISE of the powers conferred upon the Minister by section 179 of the National Environment Act, 2019 and in consultation with the National Environment Management Authority, these Regulations are made this 11th day of October, 2019.

PART I—PRELIMINARY

1. Title

These Regulations may be cited as the National Environment (Environmental and Social Assessment) Regulations, 2020.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the National Environment Act, 2019;

“Authority” means the National Environment Management Authority established under the Act;

“Board” means the Board of the National Environment Management Authority established under the Act;

“biodiversity offsets” means measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development and persisting after appropriate prevention and mitigation measures have been implemented;

“currency point” has the value assigned to it in Schedule 1 to these Regulations;

“developer” means a person who proposes to undertake a new project or to rehabilitate, repair, extend, maintain or operate an existing project with potential effects on the environment;

“ecosystem services” means the direct and indirect economic, social and environmental benefits obtained from the correct functioning of ecosystems, including watershed regulation, maintenance of biodiversity and carbon sequestration, for human well-being;

“environment” means—

- (a) the physical factors of the surroundings of human beings, including land, water, air, atmosphere, climate, sound, odour and taste;
- (b) the biological factors of animals and plants; and
- (c) the social factors of aesthetics, health, safety and wellbeing of people, and includes human interaction with both the natural and the built environment;

“environmental and social assessment” means a procedure that ensures that the environmental and social impacts, risks or other concerns of a given project are taken into account in approving a project for implementation;

“environmental audit” means a systematic, documented, periodic evaluation used to determine how well specified projects or the management system of the developer, facilities and equipment are performing in conserving the environment and its resources and conform to the requirements of the Act, these Regulations and any other applicable law;

“environmental and social impact assessment” means an analytical process that systematically examines the likely environmental and social impacts of a proposed project, evaluates alternatives and designs appropriate mitigation, management and monitoring measures, taking into account interrelated socio-economic, cultural and human health impacts, both beneficial and adverse;

“environmental and social impact statement” means a detailed document, prepared after undertaking an environmental and social impact study, describing the potential environmental, health and socio-economic impacts of a proposed activity or project;

“environmental and social impact study” means a study conducted to determine the possible environmental and associated health and socio-economic impacts of a proposed project, to assess the potential alternative options and proposed mitigation measures;

“environmental practitioner” means an environmental impact assessor, an environmental auditor or any other person certified and registered by the Authority to conduct environmental and social assessments, studies or environmental audits in accordance with the National Environment (Conduct and Certification of Environmental Practitioners) Regulations, 2003;

“environmental risk assessment” means a systematic process for identifying and estimating the likelihood or probability of an adverse or hazardous outcome or event and its consequence on human health or the environment;

“lead agency” means any ministry, department, agency, local government or public officer in which or in whom the functions of control or management of any segment of the environment are vested;

“linear activity” means an activity that is undertaken across one or more properties and which affects the environment or any aspect of the environment along the course of the activity in different ways, and includes railways, roads, funiculars, pipelines, conveyor belts, cableways, power-lines, fences, runways, aircraft landing strips and telecommunication lines;

“mitigation measures” means actions to avoid, reduce, control or offset the potential adverse environmental, health and socio-economic consequences of a project, and include engineering works, technological improvements, management measures and restitution through replacement, restoration, compensation or any other means;

“payment for ecosystem services” means a voluntary transaction in which a defined environmental service or a form of land use likely to secure that service, is bought by at least one environmental service buyer from a minimum of one environmental service provider, to secure continuous supply of that service by the provider;

“project” means the execution of construction or renovation work or other developments, installations, schemes, activities or other interventions in the natural surroundings and landscape which may have an impact on human health and the environment;

“project brief” means a summary statement of the likely environmental, health and socio-economic impacts of a proposed project referred to in section 112 of the Act;

“scoping” means a process of determining the extent and details of the environmental and social impact study;

“transboundary impacts” means environmental, health or social impacts of a proposed project or activity beyond the jurisdiction of Uganda.

3. Application of Regulations

These Regulations apply to—

- (a) a project or activity for which—
 - (i) a project brief is required to be undertaken in accordance with section 112 and Schedule 4 of the Act;
 - (ii) an environmental and social impact study is required to be undertaken in accordance with section 113 of the Act and Schedule 5 of the Act;
 - (iii) an environmental risk assessment is required under section 114 of the Act;
- (b) a project or activity proposed to be located in or near an environmentally sensitive area in accordance with section 113 (2) and Schedule 10 of the Act;
- (c) projects of similar nature as those referred to in paragraphs (a) or (b) that may be undertaken together or projects that are to be undertaken in the same landscape; and
- (d) re-development or expansion of an existing project.

4. General prohibition

(1) A developer shall not implement a project to which these Regulations apply without a certificate of approval of environmental and social impact assessment issued by the Authority in accordance with the Act and these Regulations.

(2) A ministry, department, agency of Government or a local government shall not issue a licence, permit or other approval for any project or activity subject to the Act or these Regulations without proof of a certificate of approval of environmental and social impact assessment issued by the Authority in accordance with the Act and these Regulations.

5. Duty of developer with regard to environmental and social assessment

(1) The developer is responsible for the content of a project brief, environmental and social impact statement or an environmental risk assessment prepared under the Act and these Regulations, and shall ensure that the assessments are prepared in accordance with the Act, these Regulations and any other applicable law.

(2) The developer shall, during the project life cycle, take into account the environmental and social assessments undertaken under these Regulations.

PART II—PROJECTS REQUIRING SUBMISSION OF PROJECT BRIEFS.

6. Projects for which project briefs are required

(1) A developer of a project in section 112 of the Act and set out in Schedule 4 of the Act shall assess the likely environmental, health and socio-economic impacts of the project.

(2) A developer of a project set out in Part I of Schedule 4 of the Act shall submit a project brief to the Authority containing the information prescribed in subregulation (5) and Schedule 2 to these Regulations.

(3) A developer of a project set out in Part II of Schedule 4 of the Act shall submit a project brief to the lead agency containing the information prescribed in subregulation (5) and Schedule 2 to these Regulations.

(4) The project brief may be prepared by the developer or an environmental practitioner.

(5) The project brief shall contain the following information, in a concise manner—

- (a) a description of the proposed project, including the name, purpose and nature of the project in accordance with the categories in Schedule 4 of the Act;
- (b) the proposed location and physical boundaries, including a map and coordinates of the project clearly showing the projected area of land or air that may be affected by the project activities, or, if it is—
 - (i) a linear activity, a description of the route of the activity and an alternative route, if any; or
 - (ii) an activity on a water body, the coordinates within which the activity is to be undertaken;
- (c) an evaluation of project alternatives, including a zero or no-project alternative in terms of project location, project design or technologies to be used, and a justification for selecting the chosen option;
- (d) the design of the project and any other project related components and associated facilities, including the activities that shall be undertaken and a description of the major material inputs to be used during construction or development and operation of the project;
- (e) the estimated cost of the project evidenced by a certificate of valuation of the capital investment of the project, issued by a qualified and registered valuer;
- (f) the size of the workforce;
- (g) a description of the manner in which the proposed project and its location conform to existing laws, standards and international agreements governing the projects, including reference to relevant plans required under the Physical Planning Act, 2010 and Building Control Act, 2013;
- (h) an indication of permits, licences or other approvals that may be required for the project;

- (i) baseline conditions of the physical, biological and socio-economic environment of the project area, including results of relevant studies and other geophysical and geotechnical studies;
- (j) a description of potential direct, indirect, induced, cumulative, transboundary, temporary and permanent environmental, health, social, economic and cultural impacts of the project and their severity, and the proposed mitigation measures to be taken during the planning, design, pre-construction, construction, operational and decommissioning phases of the project;
- (k) proposed mitigation and preparedness measures for potential undesirable impacts that may arise at project implementation, but were not contemplated at the time of undertaking the project brief;
- (l) a description of climate-related impacts associated with the project, including potential climate benefits and carbon footprints of the proposed project, as well as the potential vulnerability of the proposed project or activity to climate change, and the proposed adaptation and mitigation measures;
- (m) a description of alternative resettlement areas for project affected persons, if any, their associated environmental and social impacts, and or any plans for compensation to project affected persons;
- (n) an environmental management and monitoring plan developed in accordance with regulation 46, incorporating climate adaptation and mitigation plan;
- (o) plan for stakeholder engagement throughout the proposed project or activity development, including details on how to address potential related grievances or requests for information, and evidence of stakeholder consultation; and
- (p) any other information required by the Authority or lead agency.

*Decision on Project Brief under Part I of
Schedule 4 of the Act*

7. Submission of project brief to Authority

(1) The developer shall submit to the Authority three hard copies and an electronic copy of the project brief referred to in regulation 6(2) using Form 1 set out in Schedule 3 to these Regulations.

(2) The submission under subregulation (1) shall be accompanied by the fees prescribed in regulation 49 and Schedule 4 to these Regulations.

(3) For the avoidance of doubt, where a lead agency or the Authority intends to undertake a project under Part 1 of Schedule 4 of the Act, it shall submit a project brief in accordance with this regulation.

(4) The Authority may, on receipt of the submission in subregulations (1) or (3), request for additional copies of the project brief.

(5) Where the project brief is by the Authority, it shall be submitted to the technical committee on environmental and social assessment appointed by the Board under section 21 of the Act.

8. Review of project brief by lead agency

(1) Where the Authority deems that the project brief submitted under regulation 7(1) is complete, it shall, within seven days of receipt, transmit a copy of the project brief to the relevant lead agency for comments.

(2) The lead agency shall submit comments on the project brief to the Authority within fourteen days from the date of receipt of the project brief.

(3) Where a lead agency is the developer, the lead agency shall not provide comments under subregulation (2).

9. Decision on project brief by Authority

(1) Where the lead agency submits comments or fails to submit comments to the Authority within the period specified in regulation 8 (2), the Authority shall consider the complete project brief submitted under regulation 7(1), taking into account the information in Schedule 2 to these Regulations.

(2) Where the Authority determines that the project brief discloses sufficient mitigation measures to address the anticipated impacts or that the project will have no significant impact on human health or the environment and interrelated socio-economic and cultural impacts, it may approve the project or part of the project.

(3) Notwithstanding subregulation (2), the Authority may, after considering a project brief under subregulation (1)—

- (i) defer the project brief and require the developer to re-design the project, including directing that a different technology or an alternative location be identified before submission of a revised project brief;
- (ii) defer the project brief where there is insufficient information and require the developer to provide additional information or undertake a further assessment as necessary to enable the Authority to make a decision; or
- (iii) reject the project, stating the reasons for the decision.

(4) Where the Authority approves the project under subregulation (2), it shall issue a certificate of approval of environmental and social impact assessment in accordance with Part IV of these Regulations.

(5) The certificate of approval issued under subregulation (4) shall be issued upon proof of payment by the developer of the fees prescribed in regulation 49 and Schedule 4 to these Regulations.

(6) Where the Authority finds that the project will have significant impacts on human health or the environment and interrelated socio-economic and cultural impacts, or that the project brief does not disclose sufficient mitigation measures to address anticipated impacts, the Authority shall require the developer to undertake a detailed environmental and social impact assessment in accordance with the Act and these Regulations.

(7) The Authority shall consider the project brief, make a decision and communicate to the developer within thirty days of receipt of a complete project brief.

(8) The process under this regulation shall apply to a project brief submitted by the Authority as the developer, except that the project brief shall be submitted to the technical committee on environmental and social assessment appointed by the Board under section 21 of the Act for review and recommendation to the Board for consideration.

(9) The Board shall, when satisfied by the recommendation of the technical committee on environment and social assessment under subregulation (8), issue a certificate of approval in accordance with this regulation.

*Decision on Project Brief Under Part II of
Schedule 4 of the Act*

10. Submission of project brief to the lead agency

(1) The developer shall submit to the lead agency two hard copies and an electronic copy of the project brief referred to in regulation 6(3) in the format set out in Form 1 of Schedule 3 to these Regulations.

(2) The submission under subregulation (1) shall be accompanied by the fees prescribed in regulation 49 and Schedule 4 to these Regulations.

(3) The lead agency may, on receipt of the submission in subregulation (1), request for additional copies of the project brief.

(4) For the avoidance of doubt, a reference to a screening report or project proposal under any law for a project covered under Part II of Schedule 4 of the Act, shall be construed to mean a project brief under this regulation.

11. Decision on project brief submitted by a developer to the lead agency

(1) Where a project brief is submitted to a lead agency under regulation 6(3) or regulation 10, the lead agency shall consider the complete project brief, taking into consideration the requirements in regulation 6(5).

(2) Where the lead agency is satisfied that the project brief conforms to the requirements of regulation 6(5) and discloses sufficient mitigation measures to address the anticipated impacts or that the project will have no significant impacts on human health or the environment and interrelated socio-economic and cultural impacts, it may approve the project or part of the project.

(3) Notwithstanding subregulation (2), the lead agency may, after considering the project brief—

- (a) defer the project brief and require the developer to re-design the project, including directing that a different technology or an alternative location be identified before submission of a revised project brief;
- (b) defer the project brief where there is insufficient information and require the developer to provide additional information or undertake a further assessment as necessary to enable the lead agency make a decision; or
- (c) reject the project, stating in reasonable detail, reasons for the decision.

(4) Where the lead agency approves the project under subregulation (2), it shall approve the project in writing, on such terms and conditions as the lead agency may deem necessary.

(5) Where the lead agency finds that the project will have significant impacts on human health or the environment and interrelated socio-economic and cultural impacts, or that the project brief does not disclose sufficient mitigation measures to address the anticipated impacts, the lead agency shall refer the developer to the Authority.

(6) The lead agency shall consider the project brief, make a decision and communicate to the developer within twenty-one days from the date of receipt of the complete project brief.

PART III—PROJECTS REQUIRING SCOPING AND ENVIRONMENTAL
AND SOCIAL IMPACT STUDY

12. Projects for which environmental and social impact assessment is mandatory

(1) A developer of a project under section 113 of the Act and set out in Schedule 5 of the Act shall undertake scoping and an environmental and social impact study in accordance with these Regulations.

(2) A developer of a project proposed to be located in or near an environmentally sensitive area listed in Schedule 10 of the Act may be required to undertake scoping and an environmental and social impact study in accordance with these Regulations.

(3) For the avoidance of doubt, where a lead agency or the Authority intends to undertake a project under Schedule 5 or Schedule 10 of the Act, the lead agency shall be considered to be a developer under this Part.

(4) The Authority shall, in determining whether the project referred to under subregulation (2) requires scoping and an environmental and social impact study, take into consideration—

- (a) the requirements of any applicable law, standards and international agreements;
- (b) the recommendation of the relevant lead agency consulted, if any;

- (c) the physical characteristics and nature of the project;
- (d) the proposed location of the project;
- (e) the likely impact of the project on human health or the environment, including likely socio-economic impacts;
- (f) the sensitivity of the area in relation to biological diversity, including species richness or endemism;
- (g) the likely impact of the proposed project on cultural resources, including proximity to sites of historic, archeological, cultural, religious or scientific importance;
- (h) the proposed use of natural resources, in particular land, soil and water;
- (i) an estimate, by type and quantity, of expected emissions and types of waste produced during the various phases of the proposed project;
- (j) the impact of the project on climate and the project's vulnerability to climate change;
- (k) any agreement or undertaking on transboundary environmental matters; and
- (l) any other factor the Authority may consider necessary.

(5) In respect to a project by the Authority, the technical committee on environmental and social assessment appointed by the Board under section 21 of the Act shall take into account the factors under subregulation (4).

Procedure for Undertaking Scoping and Environmental and Social Impact Study

13. Conduct of scoping exercise

(1) A developer required to undertake scoping and an environmental and social impact study under section 113 of the Act and regulation 12, shall initiate the study by undertaking a scoping exercise in accordance with the Environmental and Social Assessment Guidelines issued by the Authority.

(2) The scoping exercise referred to in subregulation (1) shall—

- (a) determine the nature of the project area, including its physical, biological, socio-economic and cultural aspects;
- (b) identify significant issues to be considered during the environmental and social impact assessment;
- (c) identify the main stakeholders;
- (d) include initial stakeholder consultations with the relevant lead agencies and the public likely to be affected by the project;
- (e) define the boundaries for an environmental and social impact assessment in terms of time, space and subject matter;
- (f) define reasonable and practical project alternatives;
- (g) set requirements for collection of baseline information and include any other relevant information; and
- (h) lead to identification of the relevant inter-disciplinary expertise necessary to address the identified significant impacts.

(3) The developer shall, after undertaking the scoping exercise, prepare a scoping report and terms of reference for the proposed environmental and social impact study.

(4) The terms of reference referred to in subregulation (3) shall include—

- (a) a proposed composition of the team of environmental practitioners with relevant and requisite qualifications, experience, skills and expertise to undertake the environmental and social impact study;
- (b) a description of the specific work tasks for the team of environmental practitioners under paragraph (a);
- (c) an indication of the schedule and workplan for carrying out and completing the environmental and social impact study, including an indication of lead agencies and other stakeholders to be consulted;
- (d) where there are knowledge gaps, a reference to relevant experts who may be consulted to provide specialist knowledge and to assist with understanding and interpreting technical aspects of the project;
- (e) a description of the proposed project, including the name, purpose and nature of the project;
- (f) the proposed location of the project, including a map and coordinates clearly showing the projected physical area of land or air that may be affected by the project activities, or, if it is—
 - (i) a linear activity, a description of the route of the project; or
 - (ii) an activity on a water body, the coordinates where the project is to be undertaken;
- (g) the findings of the scoping exercise;
- (h) an indication of project alternatives, including project design, technology, location and no-action alternative and how they will be evaluated;

- (i) an identification of potential environmental, health, socio-economic and climate change impacts to be assessed during the environmental and social impact study;
- (j) a description of the proposed method of evaluating identified potential direct, indirect, induced, cumulative and transboundary impacts and proposed mitigation measures;
- (k) a description of what may be contained in the environmental management and monitoring plan to be developed in accordance with regulation 46, incorporating a climate adaptation and mitigation plan;
- (l) a previous environmental and social impact assessment, where the proposed project is by the same developer for a similar project in the same location;
- (m) stakeholder groups identified and how they are to be involved in the environmental and social impact study, including—
 - (i) details on the process and timeline to provide information to the public likely to be affected by the project; and
 - (ii) the process of consultations and timeline to enable public consultations and submission of comments;
- (n) a list of any relevant and applicable laws, standards, international agreements, policies and plans to be reviewed;
- (o) a brief description of applicable institutional arrangements, including possible avenues for submitting feedback and grievances in relation to the proposed project and activity;

- (p) the methodology to be used to undertake the environmental and social impact study; and
- (q) any other information the Authority may require.

14. Consideration of terms of reference by the Authority

(1) The developer shall submit the terms of reference for the environmental and social impact study to the Authority.

(2) Where the Authority is the developer, it shall submit its terms of reference for the environmental and social impact study to the technical committee on environment and social assessment referred to under regulation 12(5).

(3) The Authority shall, on receipt of the terms of reference submitted under subregulation (1), consider the terms of reference and may, within seven days of receipt—

- (a) consult a lead agency or persons likely to be affected by the project, where applicable;
- (b) require that an environmental risk assessment under Part V of these Regulations be undertaken in tandem with the environmental and social impact study;
- (c) approve the terms of reference and require the developer to undertake an environmental and social impact study;
- (d) request the developer to make amendments to the terms of reference as the Authority may require and to re-submit the terms of reference within three weeks for consideration; or
- (e) reject the terms of reference where—
 - (i) the project should not be undertaken at all;

- (ii) the terms of reference do not adequately take into account the requirements of regulation 13(4); or
- (iii) the developer does not amend the terms of reference in accordance with paragraph (d).

(4) The Authority shall, where it rejects the terms of reference under subregulation (3)(e), state the reasons for the decision in writing.

(5) The terms of reference approved under subregulation (3)(c) shall be valid for a period not exceeding six months from the date of approval unless the period is extended by the Authority in writing.

(6) Where the terms of reference are for a project similar to an earlier one in the same location, the Authority may take into account previous environmental and social impact assessments, where applicable, submitted by the same developer, to avoid duplication of environmental and social impact assessments.

(7) Where the Authority considers previous environmental and social impact assessments as part of the terms of reference submitted under subregulation (1) or subregulation (6), it may require the developer to undertake an environmental and social impact study only in respect to specific aspects to be assessed or where the baseline information may have substantially changed.

(8) The process under this regulation shall apply to the terms of reference submitted by the Authority to the technical committee on environment and social assessment as the developer, for review and recommendation to the Board for consideration.

15. Environmental and social impact study

(1) Upon approval of the terms of reference, the developer shall undertake an environmental and social impact study to—

- (a) assess the anticipated positive and negative direct, indirect, induced, cumulative and transboundary environmental,

health, socio-economic, cultural and climate change impacts of the proposed project, including expected carbon footprints of the project;

- (b) assess the intensity of anticipated impacts;
- (c) assess the likely duration of impact, whether short term, medium term or long term;
- (d) assess the likelihood that an identified impact will lead to secondary or cumulative impacts;
- (e) evaluate environmental and social risks advised to be assessed in tandem with environmental, health, socio-economic, cultural and climate change impacts in accordance with regulation 14(3)(b);
- (f) identify the number of people likely to be affected, including indigenous people and local communities;
- (g) propose and assess measures for avoidance, minimisation, mitigation or offsetting of negative impacts;
- (h) propose mitigation and preparedness measures for potential undesirable impacts that may arise at project implementation, but were not contemplated at the time of undertaking the environmental and social impact study; and
- (i) provide an analysis of alternatives including a detailed justification for the alternative selected, to enable informed decision-making regarding the project.

(2) The developer shall evaluate the proposed measures under subregulation (1)(c) in accordance with Part VI of these Regulations.

(3) A developer may be required to undertake a separate environmental and social impact study for an offset or other compensation mechanism associated with a project.

16. Stakeholder consultation during the environmental and social impact study

(1) The developer shall, in undertaking the environmental and social impact study, carry out consultations with relevant stakeholders, communities likely to be affected by the project and the public.

(2) The developer shall, in undertaking consultations under this regulation, establish a systematic approach to stakeholder engagement to —

- (a) build and maintain a constructive relationship with the stakeholders, particularly persons and communities likely to be affected by the project;
- (b) assess the level of stakeholder interest and support for the project;
- (c) provide means for effective and inclusive engagement with project-affected persons and communities throughout the project life cycle on issues that could potentially affect them; and
- (d) ensure that appropriate project information on environmental and social impacts or risks is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner and format, well in advance of the proposed consultations.

(3) The developer shall, in carrying out the consultations under subregulation (1)—

- (a) choose the mode of consultation, taking into account the nature and location of the project and the key issues to be consulted on;
- (b) give advance notice of the proposed consultation, with a minimum notice of seven days;

- (c) hold meetings with relevant stakeholders, communities likely to be affected by the project and the public to explain the project, its likely benefits, likely negative impacts and proposed mitigation measures, and to receive their oral or written views;
- (d) where the consultations involve holding meetings, ensure that the venues of and time for the meetings are convenient to the relevant stakeholders, communities likely to be affected by the project and the public; and
- (e) ensure that the comments received during consultations are recorded, made publicly available and taken into account during the environmental and social impact study.

Environmental and Social Impact Statement

17. Environmental and social impact statement

(1) The developer shall prepare an environmental and social impact statement on completion of the environmental and social impact study under regulations 15 and 16.

(2) In preparing an environmental and social impact statement under subregulation (1), the developer shall take into consideration the issues specified in Schedule 2 to these Regulations.

(3) For the avoidance of doubt, a lead agency intending to undertake a project under Schedule 5 of the Act, shall prepare an environmental and social impact statement in accordance with this regulation.

(4) The environmental and social impact statement shall be signed by the developer and each environmental practitioner who participated in the conduct of the environmental and social impact study.

18. Submission of environmental and social impact statement

(1) The developer shall submit three hard copies and an electronic copy of a complete environmental and social impact statement to the Authority in the format set out in Schedule 5 to these Regulations.

(2) Where the Authority is the developer, it shall submit a complete environmental and social impact statement to the technical committee on environmental and social assessment referred to under regulation 12(5).

(3) The submission under subregulation (1) shall be accompanied by the fees prescribed in regulation 49 and Schedule 4 to these Regulations.

(4) For the avoidance of doubt, a lead agency required to comply with regulation 17(3) is a developer for purposes of this regulation.

(5) Notwithstanding subregulation (1), the Authority may request additional copies where it considers necessary or may require the developer to submit the environmental and social impact statement in any other format.

(6) Where an environmental risk assessment is undertaken in tandem with the environmental and social impact study as required by regulation 14(3)(b), it shall be submitted as a section or chapter of the environmental and social impact statement.

Process of Review of Environmental and Social Impact Statement

19. Consultation with lead agency

(1) The Authority shall, within seven days of receipt of the complete environmental and social impact statement, transmit the environmental and social impact statement to the relevant lead agency for review.

(2) Where the lead agency is the developer, it shall not be part of the review process under subregulation (1).

(3) The Authority shall, on receipt of the environmental and social impact statement of the lead agency under subregulation (2), submit the statement to the relevant lead agency for comment.

(4) The lead agency consulted under subregulation (1) shall—

- (a) review the environmental and social impact statement to—
 - (i) ensure that it complies with the approved terms of reference;
 - (ii) ensure that all possible impacts and risks have been identified and evaluated;
 - (iii) ensure that feasible and adequate mitigation measures to address the impacts and risks identified have been proposed; and
 - (iv) verify the findings and recommendations contained in the environmental and social impact statement; and
- (b) take into account any other factors the lead agency considers necessary.

(5) The lead agency shall submit comments to the Authority within twenty one days of receipt of the environmental and social impact statement or such lesser period as the Authority may specify in writing.

(6) The technical committee on environmental and social assessment referred to under regulation 12(5) shall handle lead agency consultations in respect to an environmental and social impact statement submitted by the Authority.

20. Consultations

(1) The Authority or the technical committee on environmental and social assessment in respect of a project by the Authority, may,

within ten days of receipt of a complete environmental and social impact statement, invite the public in the area where the project is proposed to be located and communities likely to be affected by the project, to make oral or written comments on the environmental and social impact statement.

(2) The invitation for comments under subregulation (1) shall state—

- (a) a brief description of the physical characteristics and nature of the project and its proposed location;
- (b) the period and place where the complete environmental and social impact statement can be accessed; and
- (c) the period within which the Authority shall receive comments.

(3) The invitation for comments under subregulation (1) may be published—

- (a) in a newspaper having nation-wide circulation or a newspaper having local circulation in the area where the project is proposed to be located;
- (b) through announcements on radio, television or other relevant multimedia channels with local coverage;
- (c) on the website of the Authority and other relevant websites;
or
- (d) by distributing the necessary information about the proposed project through local authorities.

(4) The public and communities likely to be affected by the project shall provide comments to the Authority within the period indicated in the invitation.

21. Consideration of environmental and social impact statement by the Authority

(1) The Authority or the technical committee on environmental and social assessment in respect of a project by the Authority, shall consider the complete environmental and social impact statement submitted by the developer under regulation 18(1), taking into account—

- (a) the approved terms of reference of the environmental and social impact study;
- (b) comments of stakeholders consulted by the developer under regulation 16 and integrated into the environmental and social impact study;
- (c) comments of the lead agency consulted under regulation 19, if any;
- (d) comments from the public and communities likely to be affected by the project after consultation under regulation 20, if any;
- (e) the type of proposed project and its life cycle, including the extent to which the project incorporates aspects in Schedule 2 to these Regulations;
- (f) the location and size of the project, including the technology intended to be used;
- (g) the proposed project alternatives, including a zero or no-project design or technologies to be used, and a justification for selecting the chosen option;
- (h) the likely positive and negative direct, indirect, cumulative, transboundary impact of the project on socio-economic and cultural aspects, human health and the environment, and the proposed mitigation measures for the negative impacts;

- (i) the likely climate-related impacts associated with the project, including potential climate benefits and carbon footprints of the proposed project as well as the potential vulnerability of the project or activity to climate change and the proposed adaptation and mitigation measures;
- (j) type of land use, subject to the Physical Planning Act, 2010;
- (k) the application of the mitigation hierarchy of avoidance, minimisation and mitigation before considering use of an offset or compensation mechanism;
- (l) the proposed mitigation and preparedness measures for potential undesirable impacts that may arise at project implementation, but were not contemplated at the time of undertaking the environmental and social impact assessment; and
- (j) any other factors the Authority may consider necessary.

(2) The Authority or the technical committee on environmental and social assessment in respect of a project by the Authority, may, as part of the review of the environmental and social impact statement under subregulation (1), conduct visits to the project area to verify the information presented in the environmental and social impact statement.

(3) The Authority or the technical committee on environmental and social assessment in respect of a project by the Authority, may engage an expert to review the environmental and social impact statement.

(4) The Authority or the technical committee on environmental and social assessment in respect of a project by the Authority, shall, during consideration of the environmental and social impact statement under this regulation, determine whether a public hearing is necessary.

(5) In determining whether a public hearing is necessary under subregulation (4), the Authority or the technical committee on environmental and social assessment in respect of a project by the Authority, shall take into account—

- (a) the accuracy and validity of the predictions made in the environmental and social impact statement;
- (b) the comments made to the Authority under regulation 19(5) or 20(4);
- (c) any public interest in the project;
- (d) any identified controversy associated with the proposed project, including on social and cultural values;
- (e) the gravity and significance of potential impacts of the project;
- (f) inter-district or transboundary impacts of the proposed project; or
- (g) any other factors the Authority may consider necessary.

22. Conduct of public hearing

(1) The Authority or the technical committee on environmental and social assessment in respect of a project by the Authority, shall, where it determines under regulation 21(4) and (5) that a public hearing is necessary, in collaboration with the relevant lead agency, conduct the public hearing at the expense of the developer.

(2) The Authority or the technical committee on environmental and social assessment in respect of a project by the Authority, shall, in consultation with the relevant lead agency, appoint a suitably qualified and independent person to preside over the public hearing on such terms and conditions as determined by the Authority.

(3) The person appointed under subregulation (2) shall be a person of high moral character and proven integrity and shall—

- (a) be a citizen of Uganda;
- (b) be a fit and proper person of recognised professional standing;
- (c) have a university degree and at least ten years' experience at senior management level in the field of environmental science, environmental management or any other related discipline;
- (d) have competence and experience related to the nature of the project; and
- (e) have no relationship with the developer or personal interest in the proposed project or activity.

(4) The Authority shall communicate the date and venue of the public hearing at least five days prior to the meeting.

(5) The venue for the public hearing under this regulation shall be convenient and accessible to communities likely to be affected by the project.

(6) The Authority or the technical committee on environmental and social assessment in respect of a project by the Authority and the presiding officer shall structure the public hearing in a non-judicial, informal and non-adversarial manner that permits a fair and comprehensive discussion of the information presented.

(7) The presiding officer shall give the developer an opportunity to make a presentation, to respond to any comments made at the public hearing and to provide further information relating to the project.

(8) The Authority may issue guidelines for public hearings under these Regulations.

23. Report of presiding officer at public hearings

(1) The presiding officer shall submit a report of the public hearing to the Authority or the technical committee on environmental and social assessment in respect of a project by the Authority, within fourteen days from the conclusion of the public hearing.

(2) The Authority or the technical committee on environmental and social assessment in respect of a project by the Authority, may extend the time specified in subregulation (1) where the presiding officer is unable to submit the report for just cause.

24. Decision of Authority on environmental and social impact statement

(1) The Authority shall, after considering the environmental and social impact statement—

- (a) approve the environmental and social impact statement for the project or part of the project;
- (b) defer the environmental and social impact statement and require the developer to re-design the project, including directing that a different technology or an alternative location be identified before re-submission of an updated environmental and social impact statement;
- (c) defer the environmental and social impact statement where there is insufficient information, and require the developer to provide additional information or undertake a further assessment as necessary to enable the Authority to make a decision; or
- (d) reject the environmental and social impact statement, stating reasons for the decision.

(2) In taking the decision under subregulation (1), the Authority shall, in addition to any other consideration, take into account—

- (a) the factors referred to under regulation 21(1);
- (b) where there was a public hearing, the report of the presiding officer under regulation 23; and
- (c) any other factor the Authority may consider necessary.

(3) The Authority shall conclude the process of consultation and consideration of the environmental and social impact statement and make a decision in accordance with subregulation (1) within sixty days from the date of receipt of the complete environmental and social impact statement from the developer.

(4) Where the Authority approves the project under subregulation (1)(a), it shall issue a certificate of approval of environmental and social impact assessment in accordance with Part IV of these Regulations.

(5) The certificate of approval under subregulation (4) shall be issued upon proof of payment by the developer of the fees prescribed in regulation 49 and Schedule 4 to these Regulations.

(6) The Authority shall communicate to the developer in writing the decision referred to in subregulation (1) and may make a copy of the decision available to the public at the office of the Authority.

(7) This regulation applies where the technical committee on environment and social assessment referred to under regulation 12(5) submits the environmental and social impact assessment of the Authority to the Board for consideration.

PART IV—GENERAL PROVISIONS RELATING TO CERTIFICATE OF APPROVAL OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT

25. Certificate of approval of environmental and social impact assessment

(1) The certificate of approval of environmental and social impact assessment issued under regulation 9(4) or regulation 24(4)

shall be in Form 2 set out in Schedule 3 to these Regulations, and may contain such terms and conditions as the Authority may deem necessary.

(2) Where the environmental risk assessment is submitted as a section or chapter of the environmental and social impact statement under regulation 18(5), the certificate of approval of environmental and social impact assessment shall include conditions relating to environmental risk management.

(3) A certificate of approval of environmental and social impact assessment issued under these Regulations shall be valid for a duration determined by the Authority, being a period not exceeding ten years.

(4) The period referred to in subregulation (3) may be extended for a further period not exceeding ten years, upon application by the developer in accordance with regulation 26.

(5) Where the developer does not commence activities under the approved project within twelve months from the date of issuance of the certificate of approval of environmental and social impact assessment or such further period as the Authority considers necessary, the certificate shall be rendered invalid.

(6) Where the certificate of approval of environmental and social impact assessment has become invalid under subregulation (5), the Authority may, upon request from the developer and before issuing a new certificate of approval of environmental and social impact assessment—

- (a) decide that the project brief or environmental and social impact statement already approved may be used in respect of the issuance of a new certificate of approval of environmental and social impact assessment;
- (b) decide that the project brief or environmental and social impact statement should be revised in such areas or manner

as the Authority shall direct before the issuance of a new certificate of approval of environmental and social impact assessment; or

- (c) direct that another environmental and social impact assessment should be undertaken by the developer.

(7) For the avoidance of doubt, a certificate of approval of environmental and social impact assessment is valid only for the project and the project location approved in the certificate.

26. Extension of certificate of approval of environmental and social impact assessment

(1) An application for extension of the validity of the certificate of approval of environmental and social impact assessment may be made to the Authority within six months before the date of expiry of the certificate.

(2) An application under subregulation (1) shall be made in Form 3 set out in Schedule 3 to these Regulations.

(3) The Authority shall consider an application for extension of a certificate of approval of environmental and social impact assessment submitted under subregulation (1) and—

- (a) grant the application of the developer; or
- (b) reject the application of the developer, stating reasons for the decision.

(4) Where the Authority grants the application under subregulation (3)(a), it shall—

- (a) require the developer to pay an administrative fee under regulation 49 and prescribed in Schedule 4 to these Regulations; and

- (b) issue an extension of duration of the validity of the certificate of approval of environmental and social impact assessment using Form 4 set out in Schedule 3 to these Regulations, stating conditions of extension, including—
 - (i) duration of the new certificate of approval;
 - (ii) the requirement for an updated environmental management and monitoring plan; and
 - (iii) variation of specific conditions of the current certificate.

27. Variation of certificate of approval of environmental and social impact assessment

(1) The Authority may, after issuing a certificate of approval of environmental and social impact assessment for a project, on its own initiative or on the application of the developer, vary the certificate of approval of environmental and social impact assessment on such terms and conditions as it considers necessary.

(2) The reasons for variation of the certificate of approval of environmental and social impact assessment under subregulation (1) may be —

- (a) to prevent deterioration or further deterioration of the environment;
- (b) to comply with prescribed environmental and social standards and safeguards;
- (c) to cater for previously unforeseen circumstances that impact on human health or the environment; or
- (d) for any other reasons the Authority may consider relevant.

(3) An application by the developer for variation of a certificate of approval of environmental and social impact assessment shall be made in Form 5 set out in Schedule 3 to these Regulations.

(4) The application under subregulation (3) shall be accompanied by the fee prescribed in regulation 49 and Schedule 4 to these Regulations.

(5) Where the variation relates to substantive matters under subregulation (2), the Authority may require the developer—

- (a) to halt project activities until the variation has been made and an updated certificate of approval of environmental and social impact assessment has been issued;
- (b) to conduct such investigations and assessments as the Authority may direct and to submit to the Authority reports with any comments on the reports from interested and affected parties; and
- (c) to consult the relevant lead agency or other stakeholders in accordance with regulation 19 or 20.

(6) Where the variation is on the initiative of Authority, the Authority shall—

- (a) notify the developer in writing, of the proposed variation;
- (b) give the developer an opportunity to comment on the proposed variation in writing; and
- (c) if necessary, consult the relevant lead agency or other stakeholders in accordance with regulation 19 or 20, and accord them the opportunity to submit to the Authority written comments on the proposed variation.

28. Decision of Authority on variation of certificate of approval of environmental and social impact assessment

(1) The Authority shall, within twenty one days of completion of the process contemplated for substantive variations in regulation 27—

- (a) vary or decline to vary the certificate of approval of environmental and social impact assessment; and
- (b) notify the developer and other interested or affected parties, if any, of the decision and its reasons.

(2) Where the Authority declines to vary the certificate of approval of environmental and social impact assessment for reason that the application has insufficient information, the developer may amend the application and re-submit it to the Authority for re-consideration in accordance with regulation 27.

(3) The Authority may, where it varies the certificate of approval of environmental and social impact assessment—

- (a) indicate, in the preambular clause, that the current certificate is varied or replaced;
- (b) include additional conditions or requirements;
- (c) substitute, remove or change a condition or requirement;
- (d) update or change any detail on the certificate; or
- (e) correct a technical or editorial error.

(4) The Authority may vary a certificate of approval of environmental and social impact assessment by issuing—

- (a) a certificate of variation in Form 6 set out in Schedule 3 to these Regulations; or
- (b) a replacement certificate of approval of environmental and social impact assessment in the format specified in regulation 25(1).

(5) The variation of the certificate of approval of environmental and social impact assessment shall be without prejudice to any liabilities or obligations which have accrued on the developer before the variation of the certificate.

29. Cancellation of certificate of approval of environmental and social impact assessment

(1) The Authority may, after issuing a certificate of approval of environmental and social impact assessment for a project, cancel the certificate of approval of environmental and social impact assessment where—

- (a) information or data given by the developer in a project brief or an environmental and social impact statement or during public consultations or public hearings was false, substantially incorrect or intended to mislead;
- (b) information is brought to the attention of the Authority which could have precluded the approval of the environmental and social impact assessment, had it been made available prior to the issuance of the certificate;
- (c) there is non-compliance with the Act, regulations made under the Act or conditions set out in the certificate of approval of the environmental and social impact assessment;
- (d) it is necessary to protect human health or to prevent harm or further harm to the environment, cultural resources or affected communities, due to a situation that was not foreseen during the environmental and social impact assessment approval process;
- (e) there is a substantial change or modification in project implementation or operation which may lead to adverse environmental and social impacts or may endanger human health or safety; or
- (f) there is any other substantive undesirable social, health or environmental effect not contemplated at the time of approval.

(2) Where the Authority decides to cancel a certificate of approval of environmental and social impact assessment, the Authority shall halt project activities and require the developer to show cause, within seven days, why the certificate should not be cancelled.

(3) The Authority shall, where it is not satisfied with the reasons given by the developer or where the developer does not respond within the time prescribed in subregulation (2), cancel the certificate of approval of environmental and social impact assessment.

(4) Where a certificate of approval of environmental and social impact assessment is cancelled under subregulation (3), the developer shall stop project activities and undertake remediation, decommissioning and restoration activities within a period specified by the Authority.

30. Transfer of certificate of approval of environmental and social impact assessment

(1) A developer may transfer the certificate of approval of environmental and social impact assessment to another person only in respect of the project to which the certificate was issued.

(2) A developer who intends to transfer a certificate of approval of environmental and social impact assessment shall notify the Authority of the transfer using Form 7 set out in Schedule 3 to these Regulations.

(3) Where the developer referred to under subregulation (2) is not available, the transferee shall obtain the transferor's information required under subregulation (2) and notify the Authority of the transfer.

(4) The notification of transfer of certificate of approval of environmental and social impact assessment referred to under subregulation (2) or (3) shall be accompanied by the fee prescribed in regulation 49 and Schedule 4 to these Regulations.

(5) The transferee of a certificate of approval of environmental and social impact assessment under this regulation shall—

- (a) have the capacity to implement the project or activity in accordance with the certificate of approval of environmental and social impact assessment; and
- (b) be responsible for all liabilities and observance of all obligations associated with the project or activity.

(6) The Authority may issue a certificate of transfer in Form 8 set out in Schedule 3 to these Regulations.

31. Surrender of certificate of approval of environmental and social impact assessment

(1) The developer issued with a certificate of approval of environmental and social impact assessment may surrender the certificate issued under these Regulations to the Authority.

(2) The developer referred to under subregulation (1) shall notify the Authority of the intention to surrender the certificate at least three months in advance by submitting a notification in Form 9 set out in Schedule 3 to these Regulations.

(3) The surrender of the certificate of approval of environmental and social impact assessment shall not be effective until the Authority approves the surrender.

(4) Surrender shall be without prejudice to any liabilities or obligations which have accrued on the developer surrendering the certificate.

PART V—ENVIRONMENTAL RISK ASSESSMENT

32. Projects for which environmental risk assessment is required

(1) The developer of a project or an activity listed in section 114 of the Act shall conduct an environmental risk assessment.

(2) Notwithstanding subregulation (1), the Authority may require the developer of any other project or activity to conduct an environmental risk assessment.

(3) For the avoidance of doubt, the developer shall not interpret lack of scientific knowledge or scientific certainty as an indication that a particular level of risk or hazard does not exist or is acceptable.

33. Basis and terms of reference for environmental risk assessment

(1) The developer of a project or activity referred to in regulation 32 shall conduct an environmental risk assessment to identify and evaluate the potential risks of a proposed project or activity to human health or the environment.

(2) The terms of reference for environmental risk assessment, whether conducted for purposes of an environmental and social impact study under regulation 14(3)(b) or required separately for a particular project or activity, shall take into account the relevant technical and scientific details regarding environmental, social or health risks or hazards associated with the project or activity.

34. Hazard identification during environmental risk assessment

A developer shall identify the environmental, social, health or human rights risks or hazards associated with the project or activity, including—

- (a) environmental risks and hazards relating to—
 - (i) any material threat to the protection, conservation and maintaining of natural habitats and biodiversity;
 - (ii) pollution;
 - (iii) use of living natural resources; and
 - (iv) climate change, climate vulnerability and other transboundary or global impacts;
- (b) social risks and hazards relating to—

- (i) threats to human security through the escalation of personal, communal or inter-district or transboundary conflict, crime or violence;
 - (ii) impacts that may fall disproportionately on disadvantaged or vulnerable groups, including indigenous people and local communities, women, children, youth, the elderly and persons with disability;
 - (iii) compulsory acquisition of land or restriction on access to natural resources, including displacement of persons and loss of livelihood;
 - (iv) land tenure and natural resource and use, including—
 - (aa) potential impacts on local land use patterns and land tenure arrangements;
 - (bb) land access and availability;
 - (cc) food security and land values;
 - (dd) any corresponding risks related to conflict over land and other natural resources;
 - (ee) safety and well-being of workers and project-affected communities;
 - (v) cultural or natural heritage;
- (c) health risks and hazards related to individuals or communities who may be exposed to the impacts of the project or activity; and

- (d) human rights risks related to environment, natural resources or ecosystem services.

35. Vulnerability analysis

The developer of a project or activity shall undertake vulnerability analysis to—

- (a) determine the state of the environment, persons or communities that are vulnerable and could be harmed in the event of occurrence of the identified risks or hazard; and
- (b) evaluate the potential exposure of the environment, persons or communities to the impacts or effects of the proposed project or activity.

36. Risk analysis

(1) The developer required to undertake environmental risk assessment shall carry out a risk analysis to identify the high risk areas and high risk operations of the project or activity to ensure that measures are put in place to adequately address the risk or hazard.

(2) The risk analysis carried out under subregulation (1) shall focus on preparedness of the developer to avoid or reduce the adverse impacts or effects of the project on human health and the environment.

(3) The risk analysis shall include analysis of the different risk or hazard scenarios and determine response measures required in the event of the risk or hazard occurring, including—

- (a) the type of technology and scientific approaches to be used;
- (b) the type and quantity of equipment required; and
- (c) the limitations of the response measures.

(4) The risk analysis shall include a comparison of the risk and hazard scenarios, the severity of the risks and likely impact, leading to an overall ranking of the response options in order to identify the preferred response option.

(5) The risk analysis may be qualitative or quantitative, depending on the circumstances in which it is conducted.

(6) The result derived from a risk analysis may be presented in the form of a risk matrix with respect to the conditions and circumstances that trigger the risk and the risk mitigation measures that are necessary to avoid or reduce the risk.

37. Response action

(1) The developer who has undertaken a risk analysis under regulation 36 shall put in place response actions to address the risks and hazards that are identified in the risk analysis, with emphasis on preventive measures and subsequently on consequence reduction.

(2) The response measures identified under subregulation (1) shall—

- (a) be commensurate to the consequence of the risks and hazards identified; and
- (b) identify adaptation and mitigation measures for climate-related risks.

38. Periodic environmental risk assessment

After the initial environmental risk assessment, the developer shall periodically or whenever need arises, conduct subsequent risk assessments to evaluate the responsiveness of the project to identified risks and hazards.

39. Submission of environmental risk assessment

(1) The developer shall submit a hard copy and an electronic copy of a complete environmental risk assessment to the Authority and the relevant lead agency in the format set out in Schedule 6 to these Regulations.

(2) Where the findings of an environmental risk assessment are incorporated in an environmental and social impact statement, the environmental and social impact statement shall include a separate section or chapter on environmental risk assessment in accordance with regulation 18(5).

40. Consultations on environmental risk assessment

The Authority shall, as appropriate, apply the provisions of regulations 19, 20 and 22 to consultations on environmental risk assessment.

41. Consideration of environmental risk assessment by Authority

The Authority shall consider the environmental risk assessment submitted under regulation 39, taking into account—

- (a) an evaluation of the likelihood of the risk or hazard and consequence scenarios, especially where related incidents have been experienced elsewhere in a similar activity or project; and
- (b) whether the identified risks or hazards have been adequately analysed and strategies to manage those risks and hazards have been identified.

42. Decision of Authority on environmental risk assessment

(1) The Authority shall, after considering the environmental risk assessment—

- (a) incorporate the environmental risk assessment in the decision to be taken under regulation 24, where the environmental risk assessment is part of the environmental and social impact statement; or
- (b) receive the environmental risk assessment as part of the project record and—
 - (i) advise on the adequacy of the environmental risk

assessment especially in regard to response actions;
and

- (ii) advise the developer to use the environmental risk assessment for project monitoring, taking into account the need to periodically review the environmental risk assessment in accordance with regulation 38.

(2) Notwithstanding subregulation (1), the developer shall remain responsible for all the risks and hazards related to the project or activity and for the proper implementation of the proposed response actions identified in the environmental risk assessment.

PART VI—MITIGATION HIERARCHY, PAYMENT FOR ECOSYSTEM SERVICES AND ENVIRONMENTAL MANAGEMENT AND MONITORING PLAN

43. Mitigation hierarchy

(1) A developer of a project referred to in regulation 3 shall apply the mitigation hierarchy of avoidance, minimisation and mitigation of environmental and social impacts.

(2) Subject to subregulation (1), where the developer, during the environmental and social impact study conducted under regulation 15, considers that a biodiversity offset, other offset or compensation mechanism may be necessary, the developer may propose the offset or compensation mechanism only as the last measure in the mitigation hierarchy to address remaining residual adverse impacts.

(3) Notwithstanding subregulation (2), a developer or other person may, in accordance with section 115 of the Act, consider a biodiversity offset, other offset or compensation mechanism as a distinct arrangement with the provider of an ecosystem or environmental service.

(4) In designing a biodiversity offset, other offset or compensation mechanism under this regulation, the developer or person referred to in subregulation (3) shall—

- (a) provide a justification for the proposed offset or compensation mechanism;
- (b) propose an offset or compensation mechanism which restores the original ecological functions of the project area or other suitable area or location with similar ecological functions; and
- (c) ensure achievement of measurable conservation outcomes that can reasonably be expected to result in no net loss and preferably a net gain of biodiversity or other benefits, provided that a net gain is mandatory for projects in critical habitats or projects with impacts on endemic species.

44. Consideration of an offset or compensation mechanism by Authority

(1) The Authority may consider the proposal of a biodiversity offset, other offsets or compensation mechanism made by the developer under regulation 43(2) or (3), taking into account—

- (a) in relation to biodiversity or other offset, whether the offset—
 - (i) covers the full range of biological, socio-economic and cultural functions and values relating to biodiversity use;
 - (ii) is appropriate for the supporting ecosystems;
 - (iii) will achieve the expected measurable conservation outcomes; and
 - (iv) adequately responds to the risks or hazards identified.
- (b) in relation to compensation mechanisms, whether—
 - (i) the identified ecosystem or land is able to perform the ecosystem service or to provide the environmental service desired;

- (ii) the proposed compensation is agreed to by the recipient; and
- (iii) a payment for ecosystem services scheme is concluded in accordance with regulation 45(3).

(2) Where residual impacts may not be fully compensated for by a biodiversity offset because of the irreplaceability or vulnerability of the biodiversity affected, the developer shall re-assess and put in place measures as soon as possible to address the identified risks.

45. Implementation of biodiversity offsets, other offsets or compensation mechanisms

(1) Where the Authority approves a biodiversity offset, other offset or compensation mechanism, the developer shall ensure that the mechanism considered does not cause harm to human health or a net loss of biodiversity when applied.

(2) The developer shall set out strategies to achieve the same or greater level of biodiversity endowment in the area of the offset or compensation mechanism in accordance with the “like-for-like or better” principle referred to in section 115(7) of the Act, with respect to—

- (a) species composition;
- (b) the nature and integrity of the habitat;
- (c) ecosystem function; and
- (d) cultural values and associated biodiversity use.

(3) The developer and the provider of an ecosystem services may develop a scheme for payment for ecosystem services defining—

- (a) the conditions of the ecosystem service;
- (b) resource management alternatives and resource management practices to be changed;
- (c) the activities to be undertaken;
- (d) the social, environmental and economic benefits expected, including how the ecosystem services will be improved;
- (e) financing structures and the methods of compensation for the ecosystem services;
- (f) criteria for evaluating equitable outcomes between the developer and the provider of the ecosystem service;
- (g) a management plan for payment of ecosystem services; and
- (h) any other matter considered necessary.

46. Environmental management and monitoring plan

(1) The developer of a project referred to in regulation 12 shall develop an environmental management and monitoring plan in respect of the operations of the project.

(2) Notwithstanding subregulation (1), the Authority may require a developer of any other project to develop an environmental management and monitoring plan.

(3) The environmental management and monitoring plan shall, at a minimum contain—

- (a) the name, qualification and experience of the person who prepared it;

- (b) a detailed description of the aspects of the project or activity that are covered by the plan;
- (c) a description of the impact management objectives, including management statements, identifying the impacts that need to be avoided, managed or mitigated as identified through the environmental and social impact assessment process for all phases of the project;
- (d) an emergency response plan and an action plan to ensure the health and safety of workers and neighbouring communities;
- (e) a description of impact management outcomes, identifying the standard of impact management required for the aspects contemplated in paragraph (c);
- (f) a description of impact management actions, identifying the manner in which the impact management objectives and outcomes contemplated in paragraphs (c) and (d) will be achieved;
- (g) a climate adaptation and mitigation plan, identifying the manner in which adaptation and mitigation measures should be incorporated in the projects and the planned outcomes to be achieved;
- (h) measures for compliance with any prescribed environmental and social management standards or practices;
- (i) measures for compliance with the Act, these Regulations, any other applicable law and international agreements;
- (j) an indication of the persons who will be responsible for the implementation of the impact management actions;

- (k) the time period within which the impact management actions contemplated shall be implemented;
- (l) the mechanism for monitoring compliance with the impact management actions contemplated;
- (m) budget estimates for the implementation of the environmental management and monitoring plan, where applicable;
- (n) a programme for reporting on compliance, taking into account the requirements of the Act and these Regulations; and
- (o) an environmental awareness plan describing the manner in which the developer intends to inform employees and the public of any environmental and health risk or hazard which may result from project work.

(4) The developer shall submit the environmental management and monitoring plan developed under subregulation (1) to the Authority as an integral part of the project brief or environmental and social impact statement.

(5) The developer shall maintain and implement the environmental management and monitoring plan during the life-cycle of the project or activity.

(6) The developer shall audit and update the environmental management and monitoring plan developed under subregulation (1) as an integral part of the environment management system provided for in section 49 of the Act and the National Environment (Audit) Regulations, 2020.

PART VII—TRANSBOUNDARY ENVIRONMENTAL AND
SOCIAL ASSESSMENTS

47. Projects or activities with transboundary impacts

(1) A developer of a project likely to have transboundary impacts shall, in the environmental and social assessment, take into account the likely environmental and social impacts.

(2) The developer referred to under subregulation (1) shall, in consultation with the Authority, ensure that appropriate measures are taken to assess and mitigate any adverse transboundary environmental and social impacts, taking into account any existing treaties between Uganda and the country likely to be impacted by the project or activity.

48. Notification to country likely to be affected by a project or activity

(1) The Authority shall, on receipt of the environmental and social impact statement under regulation 18(1) or the environmental risk assessment under regulation 39(1), notify the relevant authority of a country likely to be impacted by a proposed project or activity as early as possible; and in any case not later than when informing its own public, in order to ensure adequate and effective transboundary consultations.

(2) The notification under subregulation (1) shall be made through the ministry responsible for foreign affairs and shall include—

- (a) the nature and scope of the proposed project or activity;
- (b) the environmental and social impact statement;
- (c) the environmental risk assessment, where applicable;
- (d) a summary of the transboundary aspects of the proposed project or activity, including negative transboundary impacts and risks and associated mitigation measures;

- (e) information regarding the decision-making procedure, including an indication of a reasonable time period within which the notified authority in the country to be impacted should respond; and
- (f) any other information the Authority may consider necessary.

(3) The notification shall be based on the principles of prior assessment of transboundary impacts, prevention of harm and sustainable development, in accordance with international law.

(4) Where the country notified under subregulation (1) indicates that it wishes to enter into consultations before a decision is made under these Regulations, it shall submit its comments or observations through the ministry responsible for foreign affairs.

(5) Where the ministry responsible for foreign affairs receives the comments of the country referred to in subregulation (4), it shall submit the comments to the Authority within the period indicated in subregulation (2)(e).

(6) The Authority shall, as far as possible, take into account the comments received under subregulation (5) in making the decision on the environmental and social impact assessment.

(7) Where the authority notified under subregulation (1) does not respond within the period specified in the notification, the Authority shall proceed to consider the project or activity in accordance with these Regulations.

(8) Where the consultative processes provided for under these Regulations are complete and in the event that the Authority approves the project or activity, the Authority shall notify the country likely to be affected by the project or activity and the relevant Government ministry, department or agency for further action.

49. Fees and costs

(1) The fees and costs payable under these Regulations are prescribed in Schedule 4 to these Regulations.

(2) The developer shall pay a non-refundable administration fee of thirty percent of the total fees payable on submission of the project brief or environmental and social impact statement.

(3) Where the Authority approves the project brief or environmental and social impact statement, the developer shall pay the balance of seventy percent of the fees prior to the issuance of the certificate of approval of environmental and social impact assessment.

(4) The environmental and social impact assessment fees shall be used—

- (a) to cover administrative expenses for the review of environmental and social impact assessment process;
- (b) to secure specialised skills and expertise for the review process, where required;
- (c) to cover costs of conducting on-site verification of the project area in order to establish baseline conditions;
- (d) to cover costs of collection and analysis of samples associated with critical or risky projects, as appropriate;
- (e) to cover costs associated with demarcation of project sites bordering environmentally sensitive areas, in order to ensure protection and conservation of those areas;
- (f) to meet the cost associated with project inspection and monitoring, in order to advise on corrective actions required of the developer; or
- (g) to cover any other verification, remediation and restoration costs associated with the project or activity.

(5) The principles on which environmental and social impact assessment fees are premised are—

- (a) that environmental services have a cost element that should be taken into account during consideration and decision-making on environmental and social impact assessments; and
- (b) that fees should be charged based on cost recovery, the polluter pays principle and the precautionary principle.

50. Database

The Authority shall maintain a data base of—

- (a) certificates of approval of environmental and social impact assessment;
- (b) project briefs, environmental and social impact statements and environmental risk assessments; and
- (c) any other information as may be deemed appropriate.

51. Documents deemed to be public documents

(1) Subject to the Constitution, Access to Information Act, 2005 and any other written law, documents pertaining to the environmental and social impact assessment process submitted to the Authority under these Regulations shall be public documents.

(2) Subject to section 146 of the Act, a person who desires to access the documents described in subregulation (1) shall apply to the Authority and pay the prescribed fee.

52. Display of certificates of approval of environmental and social impact assessment

The developer shall exhibit the certificate of approval of environmental and social impact assessment including all the conditions of approval, in a conspicuous place on the premises of the project and official address of the developer, including, where possible, on its website.

53. Post environment and social assessment inspections and monitoring

The Authority may, in liaison with the relevant lead agency, within 12 months of grant of a certificate of approval of environmental and social impact assessment, arrange for on-site inspections and monitoring of the project to ensure compliance with the conditions in the certificate of approval of environmental and social impact assessment.

54. Preparation of an environmental audit

After the period of 12 months from grant of certificate of approval of environmental and social impact assessment, the developer shall be subject to the requirements of the National Environment (Audit) Regulations, 2020.

55. Guidelines

The Authority may, in collaboration with the relevant lead agency, make guidelines for environmental and social assessment, including for—

- (a) sector specific environmental and social assessment;
- (b) payment for ecosystem services; and
- (c) biodiversity offsets, other offsets and compensation schemes.

56. Offences and penalties

(1) A person who—

- (a) fails to notify the Authority of a transfer of a certificate of approval of environmental and social impact assessment in accordance with regulation 30;
- (b) fails to display the complete certificate of approval of environmental and social impact assessment; or

(c) fails to undertake consultations during the environmental and social assessment process in accordance with the Act and these Regulations,
commits an offence and is liable on conviction—

- (i) in the case of an individual, to a fine not exceeding twenty thousand currency points or imprisonment not exceeding five years or both; or
- (ii) in the case of a body corporate, to a fine not exceeding fifty thousand currency points.

57. Revocation of S.I 153-1 and savings

(1) The National Environment (Environmental Impact Assessment) Regulations S.I. No. 153-1 are revoked.

(2) Notwithstanding the revocation under subregulation (1), a certificate issued under the National Environment (Environmental Impact Assessment) Regulations, and which is in force immediately before the commencement of these Regulations—

- (a) shall have effect from the commencement of these Regulations as if granted under these Regulations; and
- (b) in the case of a certificate or permit for a specified period, shall remain in force, subject to these Regulations, for so much of that period as falls after the commencement of these Regulations.

SCHEDULES

SCHEDULE 1

CURRENCY POINT

Regulation 2.

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

*Regulations 6(2) and (3), 9(1),
17(2) and 21 (1) (e).*

ISSUES TO BE CONSIDERED IN PREPARATION OF A PROJECT BRIEF OR AN ENVIRONMENTAL AND SOCIAL IMPACT STATEMENT

A developer shall, in the preparation of a project brief or an environmental and social impact statement, take into account the following—

1. Ecological considerations

(a) Biological diversity, including—

- (i) impact of the proposed project on species richness, diversity, breeding habits of wild animals and vegetation;
- (ii) gene pool of domesticated plants and animals, such as monoculture, as opposed to wild types.

(b) Sustainable use and management, including impacts of proposed project on—

- (i) soil productivity;
- (ii) populations of fish and other animals;
- (iii) natural regeneration of vegetation;
- (iv) aquatic and wetland resources;
- (v) livelihoods of local communities and indigenous peoples dependent on living natural resources.

(b) Ecosystem sustenance, including impacts of proposed project on—

- (i) interactions in nutrient cycles;
- (ii) ecosystem functions and services;

(iii) surface and ground water hydrology.

2. Physical environment

(a) Landscape—

- (i) easements, including views, visual impact and right to natural air passage;
- (ii) compatibility with surrounding area;
- (iii) amenity opened up or closed, including recreation possibilities.

(b) Water—

- (i) water sources, including water quantity and quality;
- (ii) rivers and streams, including drainage patterns and drainage systems;
- (iii) lakes, including natural and man-made lakes;
- (iv) springs and aquifers;
- (v) water flow regimes.

(c) Air quality—

- (i) type and amount of possible emissions and pollutants;
- (i) effects on air quality of the area.

(d) Resource efficiency and pollution management—

- (i) use of circulative resources, including resource effectiveness and efficiency;
- (ii) pollution prevention and management, including chemical and waste management;

(e) Climate change and climate variability—

- (i) practices and activities likely to contribute climate benefits, including use of clean energy and carbon sequestration;

- (ii) products and processes using greenhouse gases, and potential level of carbon footprints;
- (iii) measures proposed for adaptation and mitigation.

3. Social considerations

- (a) land acquisition and land use—
 - (i) re-settlement and compensation, including impacts on displaced persons and host communities;
 - (ii) impacts of the proposed project on existing land use and potential alternative land use;
 - (iii) possibility of multiple uses of land;
 - (iv) restrictions on land-use;
- (b) impacts on economic activities and property rights, particularly where persons are or are likely to be affected economically or may experience personal disadvantage which may result in a violation of their human rights;
- (c) opportunities for employment and wealth creation;
- (d) occupational health and safety, including fair treatment of workers and provision of equal opportunities;
- (e) impacts on human health and wellbeing, including physical, mental, social and spiritual wellbeing;
- (f) impacts on culture and heritage, including the culture of the people, especially indigenous peoples and local communities, in respect of their shared beliefs, identity, aspirations, customs, values, language or dialect;
- (g) impacts related to way of life, social interactions, cohesion or disruption;

- (h) the fears and aspirations of the project-affected communities about their safety or the future of their community;
- (i) impacts on population size and structure, including gender, age and vulnerable groups;
- (j) social services and amenities;
- (k) level of stakeholder engagement, including an understanding of the extent to which people are interested in and support the project, and are able to participate in decisions that affect their lives, and the likely resource needs for this purpose.

SCHEDULE 3

FORMS

FORM 1

Regulation 7(1) and 10(1).

SUBMISSION OF PROJECT BRIEF.

PART A

DETAILS OF DEVELOPER

Name of developer _____

Legal status of the developer _____

TIN No _____

Physical/postal address _____

Telephone No. _____ Fax No. _____

E-mail _____

Contact person _____

Telephone No. _____ Fax No. _____

E-mail _____

PART B DETAILS OF THE PROJECT

1. PROPOSED DEVELOPMENT

Title of proposed project (general category of proposed project)

Description / nature of proposed project or activity

Project investment cost _____

Proposed size and composition of workforce

2. PROPOSED SITE

Details of physical location (*including map of project area, boundaries of site, coordinates, plot and block number/village/parish/ward/sub-county/division/county/district, and size of plot and site layout plan*)

Current land-use _____

Distance to nearest residential or other facilities _____

Adjacent fragile ecosystems including forests, wetlands, rivers, streams and lakes. _____

3. INFRASTRUCTURE AND UTILITIES

Description of surrounding environment, including structures, facilities and settlements. _____

Water (source and type). _____

Power (type and source). _____

Transport infrastructure including roads, airstrip or airport, railway, water transport system. _____

Other major utilities including sewer lines, drainage systems, water supply systems, telecommunication system _____

4. POTENTIAL ENVIRONMENTAL AND SOCIAL IMPACTS

Potential environmental and social impacts of proposed project or activity during construction, operational and decommissioning phases. (*Also state briefly relevant environmental and social studies already done and attach copies as appropriate.*)

Potential health and socio-economic impacts of proposed project or activity, including impacts on the ecological and physical environment during construction, operational and decommissioning phases. *(Also state briefly relevant studies already done and attach copies as appropriate.)*

Potential climate-related impacts of proposed project or activity during construction, operational and decommissioning phases. *(Also state briefly relevant climate studies already done and attach copies as appropriate.)*

Potential significant risks and hazards associated with the proposed project or activity including occupational health and safety. *(Also state briefly relevant social studies already done and attach copies as appropriate.)*

Proposed mitigation measures for all the above, including adaptation and mitigation measures for climate-related impacts.

PART C

DECLARATION BY THE DEVELOPER

I hereby certify that the particulars given above are true and correct to the best of my knowledge.

Name _____

Designation _____

Signature _____

On behalf of _____

Date _____

(Firm name and stamp/seal)

FORM 2

Regulations 25(1)

**CERTIFICATE OF APPROVAL OF PROJECT BRIEF/
ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT**

Certificate No. _____

This is to certify that the Project Brief/Environmental and Social Impact Statement (*delete as appropriate*) received from:

M/S, Mr. Ms _____ (*delete as appropriate*) of _____ submitted to National Environment Management Authority (NEMA) in accordance with the National Environment Act, 2019 and the National Environment (Environmental and Social Assessment) Regulations, 2020, regarding:

(state title of project)

briefly described as _____

(describe nature, purpose)

located at _____
(including coordinates, plot and block number/village/parish/ward/sub-county/division/county/district, and size of plot and site layout plan), has been reviewed.

(For type of document indicated below, choose which document is relevant/relates to the Certificate)

For project briefs –

1. The project brief discloses sufficient mitigation measures to cope with the anticipated impacts.
2. The project will have no adverse impacts on the environment.

Project brief/detailed environmental and social impact assessment
(delete as appropriate)

1. The mitigation measures identified below were made a condition precedent for approval and implementation of the project/extension of the validity of the Certificate of Approval.

This *Certificate is subject to all the attached conditions of approval*

Dated at _____ on _____ of _____ 20_____

Signed: _____

Seal _____

Executive Director, NEMA

CONDITIONS OF APPROVAL

(Additional Information Sheet)

In addition to implementing the mitigation measures and the Environment Management and Monitoring Plan outlined in the Project Brief/Environmental and Social Impact Statement (*delete as appropriate*), this Certificate of Approval of Environmental and Social Impact Assessment is granted/varied/extended on condition that the developer _____ (*name of developer*) shall comply with approval conditions stated below.

ADMINISTRATIVE REQUIREMENTS

1. This Certificate of Approval is valid for a period not exceeding ten years.
2. This Certificate of Approval is valid only in respect to the project and the project site location approved by the Authority.

Where it is a variation the statement may read; This Certificate of Approval is valid only in respect to the project and the project site location approved by the Authority in the original certificate issued to the developer (or other if the name has changed) on (dd/mm/yr).

3. Issuance of this Certificate of Approval is based on the content or information contained in the project brief/environmental impact statement as submitted by the Developer on *(dd/mm/yr)* _____.
4. The Developer, _____, shall be held responsible for any omissions, falsified information or any other anomalies that are contrary to the relevant laws governing this Project.
5. Where the developer does not commence activities under the approved project within twelve months from the date of issuance of the Certificate of Approval of Environmental and Social Impact Assessment, the Certificate shall be rendered invalid, and the Developer shall be required to undertake another Environmental and Social Assessment.
6. Note that this Certificate of Approval may be revised upon request or when project area/site conditions change.
7. The Executive Director shall be notified of any transfer or surrender of this Certificate of Approval of Environmental and Social Impact Assessment or/and variation/alteration of the project design or components of the project design.

CONDITIONS OF APPROVAL

This section provides for Specific Conditions, General Conditions, and conditions that apply to each phase of the project.

Specific Conditions (Examples)

(These should be required by law and should include project specific conditions.)

The specific conditions required by law include the requirement to—

1. Observe all relevant national laws and standards that guide the project throughout its life cycle.
2. Obtain all permits and licences required under relevant laws.

3. Adhere to the environmental management and monitoring plan and constantly improve and update them by taking into account any new developments.
4. Adhere to the current environment management system and ensure it is continuously updated and improved, taking into account any new developments, including best available technologies and best environmental management practices.
5. Adhere to all proposed mitigation measures in the project brief/environmental and social impact statement/environmental risk assessment.
6. Specific conditions related to the nature of the project.
7. Conditions relating to climate benefits and negative climate impacts of the project, including carbon footprints, and specific adaptation and mitigation measures.
8. Other project specific conditions relevant to the nature of project (for example, *for fuel filling station, manufacturing industry, waste treatment, mining, wildlife/nature conservation, hydropower generation*).
9. In accordance with regulation 21(1)(m) of the National Environment (Environmental and Social Assessment) Regulations, 2020, ensure that any other undesirable impacts that may arise at project implementation, but were not contemplated at the time of undertaking the initial environmental and social impact assessment or by the time of extension of the validity of the Certificate of Approval, are mitigated.
10. Display of the Certificate of Approval of environmental and social impact assessment at the project site at all times.
11. Seek written approval from this Authority for any operational changes under this Certificate.

Depending on the project, the conditions listed below may be considered either as specific conditions or general conditions of approval;

(Examples)

1. Address social concerns, including impacts on human health, cultural and natural heritage, human settlements, population structure (gender, age, vulnerable groups) during the life-cycle of the project.
2. Put in place a grievance resolution mechanism to address disputes that may arise.
3. Put in place a compensation plan or resettlement action plan to cater for identified project-affected persons in accordance with the applicable laws.
4. Ensure proper management of waste in accordance with the applicable laws and standards.
5. Ensure control of emissions of noise, dust or particulate matter and vibrations, effluent or waste-water discharge, in accordance with the applicable laws and standards.
6. Keep all appropriate records required, in accordance with the applicable laws, and accessible to the Authority where required.
7. Ensure that any other undesirable environmental impacts that may arise due to implementing this project but were not contemplated at the time of approval of this project/activity, are mitigated.

The Phases of the project below (*fill in as appropriate, under the relevant phase applicable to the project – either construction or operational phase, or both*)

CONSTRUCTION CONDITIONS OF APPROVAL

In this phase, the following shall be considered, among others—

1. Provision of decent work conditions and clear terms and conditions of employment that cater for all employees and workforce, in accordance with the Employment Regulations, 2011.
2. No use of child labour during project execution, in accordance with the Children Act.
3. Putting in place measures or systems for handling all forms of waste, both hazardous and non-hazardous waste, in accordance with the National Environment (Waste Management) Regulations, 2020;

4. Protection of any public utilities around the project area in liaison with the authorities responsible for the provision of such facilities.
5. Putting in place a proper drainage system to handle storm–water run-off, and use appropriate methods to control soil erosion.

OPERATIONAL CONDITIONS OF APPROVAL

In this phase, the following shall be considered, among others—

1. Putting in place a compliance monitoring programme relating to the parameters relevant to the nature of project as indicated in the table below (*insert the table containing the parameters to be monitored*).
2. Having in place awareness and prevention programme for HIV/AIDS, sexually transmitted diseases (STDs) and Hepatitis-B, (*add or delete as appropriate*) for both the workers and neighbouring community, and programmes for family work-life balance and workplace wellness, to address impacts of lifestyle and social ill-behaviour;

NOTIFICATION CONDITIONS OF APPROVAL

Notifications may relate to:

- (i) approvals for operational changes to the project;
- (ii) malfunctioning of any component of the project and mitigation measures put in place;
- (iii) intent to decommission within a stated time period;
- (iv) any other factor the Authority may consider necessary.

DECOMMISSIONING, RESTORATION AND AFTER-CARE

1. A comprehensive decommissioning plan should be submitted for approval within (*indicate time frame*).
2. There should be an undertaking to decommission the project in a manner prescribed under the Act and relevant regulations, or as shall be prescribed by the relevant lead agency.

3. Restore all parts of the project site laid bare during construction phase or decommissioning phase of the project.

FINANCIAL SECURITY (*AS APPLICABLE*)

Include requirement for financial security in accordance with the Act, where applicable.

DATED at _____ (place) this _____ day of _____ 20_____.

Signed:

EXECUTIVE DIRECTOR

Note:

1. Certificate to be copied to relevant lead agencies.
2. In the event of variation of this Certificate, the developer shall return the original copy of this Certificate to the Authority and a replacement certificate may be issued.

IN CASE OF VARIATION OF THE CERTIFICATE BY REPLACEMENT WITH ANOTHER CERTIFICATE;

1. The preambular text above the administrative conditions in the Certificate shall reflect the following indicative text, which can be re-phrased as necessary;
 - (i) This certificate replaces and supersedes Certificate No. issued on to
 - (ii) The name of the developer is or changes from to
2. The following new and varied conditions apply to the project;
 - (a) Administrative requirements;
 - (b) Specific conditions of approval;

- (c) Construction and operational conditions of approval;
 - (i) Environment Management System and environmental policy shall be updated and implemented (if that is necessary);
 - (ii) The Environment management and monitoring plan shall be updated and implemented (if that is necessary);
 - (iii) Environmental health and safety plan;
 - (iv) other conditions as the Authority may be determine;
- (d) General conditions of approval;
- (e) Decommissioning, restoration and after-care phase conditions.

The following variation statement should be included;

The variation of the certificate of approval of environmental and social impact assessment is without prejudice to any liabilities or obligations which have accrued on the developer before the variation of the certificate.

FORM 3

Regulation 26(2).

Application Reference No _____

Certificate No _____

APPLICATION FOR EXTENSION OF VALIDITY OF CERTIFICATE OF APPROVAL OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT

Project Name: _____

Project location: _____

Proprietor / developer: _____

TIN No _____

Physical / postal Address

Telephone No. _____ Fax No. _____

E-mail _____

Details of current Certificate of Approval of Environmental and Social Impact Assessment

Certificate No. of the current certificate of approval of environmental and social impact assessment _____

Date of issue of the current certificate of approval of environmental and social impact assessment _____

Project Compliance Record

Has the project commenced? Yes _____ No _____ Partially _____
(Tick as appropriate)

If Yes, please provide commencement date: _____

If partially, provide details

If No, please provide reasons for non-commencement

Is an Environment Management System (EMS) established and implemented for the Project?

Yes _____ No _____

If yes, provide summary of the Environmental Policy, and level of implementation of the EMS

Is the environmental management and monitoring plan upto date?

Yes _____ No _____ (*Tick as appropriate*)

If No, indicate how it will be updated if the extension is granted.

Will the extension come with new developments? Yes _____ No _____
Partially _____ (*Tick as appropriate*)

If Yes, attach a report of the developments and the proposed mitigation measures (*if minor*) _____

If the new developments require an assessment, separate assessments by way of project brief or full environmental impact study should be undertaken for those developments.

Has the developer undertaken environmental compliance audits as required under the conditions of the Certificate to be extended? Yes _____
No _____ (*tick as appropriate*)

If Yes, provide copies of the audit report and responses to the audit from the Authority or lead agency, if any.

If No, give reasons why.

(Attach other information, if necessary)

Declaration by Applicant

I hereby certify that the information given above is correct and true to the best of my knowledge and belief.

I will accept any liabilities and obligations that will accrue as a result of the extension of the Certificate.

I understand that the certificate of approval of environmental and social impact assessment may be suspended, varied or cancelled if the information given above is false, misleading, wrong or incomplete.

Name

Designation

Signature

Date

Note:

1. *The developer will lodge an application for extension of a certificate of approval of environmental and social impact Assessment six months prior to the expiry of the current certificate.*
2. *The developer will be notified in writing in case the Authority rejects the application for extension of the Certificate, with reasons for the rejection.*
3. *If the extension of the certificate is approved, an extension document will be given.*
4. *This Form must be submitted in duplicate on payment of the prescribed fees to the Authority.*

FORM 4

Regulation 26(4) (b).

EXTENSION OF CERTIFICATE OF APPROVAL OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT

The Certificate of Approval of Environmental and Social Impact Assessment No. granted on to is hereby extended for a further period of years, from 20.... to, 20....., the period which covers both the construction and operational phases of the project.

1. This extension of validity of Certificate may be revised upon request or when site conditions change.

2. The Certificate is extended on the following conditions;
 - (a) That the Executive Director shall be **NOTIFIED** of any variation or alteration of the project design or components, or transfer of ownership or surrender of the Certificate of Approval;

 - (b) In accordance with regulation 22(1)(m) of the National Environment (Environmental and Social Assessment) Regulations, 2020, ensure that any other undesirable impacts that may arise at project implementation, but were not contemplated at the time of undertaking the initial environmental and social impact assessment or by the time of extension of the validity of the Certificate of Approval, are mitigated;

 - (c) Seek written approval from the Authority for any other operational changes covered under the Certificate.

 - (d) That the conditions of approval contained in the certificate remain the same and are to be adhered to/or are varied in the following respects;
 - (i)

 - (ii)

(b) That the Environment Management System (EMS) and environmental policy is established and implemented (*if not already implemented*).

(c) That the environmental management and monitoring plan is updated to take into account the prevailing environmental and social issues of concern regarding the project, and must be implemented (if there is need to update the plan).

3. That the following actions identified by the Authority or lead agency after the environmental compliance audit (*if such an audit was done*) be undertaken;

DATED at _____ (place) this _____ day of _____ 20__.

Signed:

EXECUTIVE DIRECTOR

FORM 5

Regulation 27(3).

Application Reference No _____

Certificate No _____

APPLICATION FOR VARIATION OF CERTIFICATE OF APPROVAL OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT.

Details of applicant

Name of applicant _____

Legal status of the applicant _____

TIN No _____

Physical / postal address _____

Telephone No. _____ Fax No. _____

E-mail _____

Details of current Certificate of Approval of Environmental and Social Impact Assessment

Reference No. of the current certificate of approval of environmental and social impact assessment. _____

Date of issue of the current certificate of approval of environmental and social impact assessment.

Previous applications (*where applicable*)

Was the Certificate previously varied?

(Indicate dates and details of variation)

Proposed variations to the conditions in current Certificate of Approval of Environmental and Social Impact Assessment.

Requested variation(s) *(specify)*

Justification for variation(s)

(Attach other information, if necessary)

Implication of the variation(s) on the surrounding community and the environment

(Attach other information, if necessary)

Describe any additional measures proposed to eliminate, reduce or control any adverse environmental and social impact arising from the proposed variation(s)

(Attach other information, if necessary)

Declaration by applicant

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

Dated this.....day of.....20.....

.....

Name

Designation

Signature

Note:

This Form must be submitted in duplicate on payment of the prescribed fees the Authority.

FORM 6

Regulation 28(4) (a).

**CERTIFICATE OF VARIATION
OF CERTIFICATE OF APPROVAL OF ENVIRONMENTAL AND
SOCIAL IMPACT ASSESSMENT.**

Application Reference No. _____

Original Certificate No. _____

This is to certify that current Certificate of Approval of Environmental and Social Impact Assessment No. _____ issued on _____ (date) to _____ (*state name of previous holder*) of _____ (*address*) regarding _____ (*title of project*) whose objective is to _____

_____ (briefly describe purpose) located at _____ (*site location details and District*) has been varied as follows;

1. The preambular text above the administrative conditions in the Certificate shall reflect the following indicative text, which can be re-phrased as necessary;
 - (a) This certificate replaces and supersedes Certificate No. issued on to
 - (b) The name of the developer is or changes from to
2. Changes can be made to the different phases of the project, with the following statement;
The current certificate is varied in material respects as follows (Reflect the following indicative text, which can be re-phrased as necessary);
 - (a) Administrative conditions of approval;
 - (b) Specific conditions of approval;

- (c) Construction and operational phase conditions;
 - (i) Site changes undertaken or identified (*e.g., derived from site verification findings*)
 - (ii) Environment Management System and environmental policy shall be updated and implemented (if that is necessary).
 - (iii) The Environment management and monitoring plan shall be updated and implemented (if that is necessary).
 - (iv) Environmental health and safety plan
 - (v) Other conditions
- (d) General conditions of approval;
- (e) Notification phase conditions;
- (f) Decommissioning, restoration and after-care phase conditions.

3. The variation of the certificate of approval of environmental and social impact assessment is without prejudice to any liabilities or obligations which have accrued on the developer before the variation of the certificate.

Dated this _____ day of _____ 20_____.

Signature _____

(Seal)

EXECUTIVE DIRECTOR

FORM 7

Regulation 30(2).

NOTIFICATION OF INTENTION TO TRANSFER CERTIFICATE OF APPROVAL OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT

Details of Current Certificate

Name of the current developer as indicated in the Certificate

TIN No _____

Address _____ Tel: _____

Fax No _____ E-mail _____

Current Certificate No. _____

Date of issuance. _____

Reason(s) for transfer of Certificate

Has the transferor undertaken environmental audit?

State Yes/No and when

Attach a copy of the last audit report.

Details of the transferee

TIN No _____

Address _____ Tel: _____

Fax No _____ E-mail _____

Name of contact person _____

Capacity of transferee (*financial, technical, technological*) to implement the project in accordance with the Certificate (*Attach proof*)

Declaration by transferor

It is hereby notified that I _____ of _____
_____ (*address*) on this day of _____
transfer Certificate of Approval of Environmental and Social Impact
Assessment No. _____ to _____
_____ of _____ who will assume its/his/her responsibility
for all liability and obligations under this project.

Transferor

Transferee

Name _____

Name _____

Telephone _____

Telephone _____

E-mail _____

E-mail _____

Postal/Physical address _____

Postal/physical address _____

Signed _____

Signed _____

Date _____

Date _____

Note:

1. *Where a certificate of approval of environmental and social impact assessment is transferred, the person transferring it shall notify the Executive Director of the transfer. Where that person is not available, the transferee should obtain the transferor's information required in this Form.*
2. *The person to whom this certificate is transferred assumes responsibility only in respect of the project to which this certificate was issued.*
3. *Any transfer of a certificate of approval of environmental and social impact assessment shall take effect only when the Authority issues a certificate of transfer.*
4. *This notification must be submitted in duplicate on payment of the prescribed fees to the Authority.*

FORM 8

Regulation 30(6).

Application Reference No. _____

Certificate No. _____

CERTIFICATE OF TRANSFER OF CERTIFICATE OF APPROVAL OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT

This is to certify that the Certificate of Approval of Environmental and Social Impact Assessment No. _____ issued on _____ (date) to _____ (*state name of previous holder*) of _____ (*address*) regarding _____ (*title of project*) whose objective is to _____

_____ (briefly describe purpose) located at _____ (locality and District) has been transferred to _____ (*name of new holder*) of _____ (*address*) with effect from _____ (*date of transfer*) in accordance with the provisions of the Act and the National Environment (Environmental and Social Assessment) Regulations, 2020.

This Certificate of transfer is given subject to the following conditions:

The transferee of the Certificate of Approval of Environmental and Social Impact Assessment shall—

1. Have the capacity to implement the project or activity in accordance with the certificate of approval of environmental and social impact assessment;
2. Be liable for all liabilities and obligations relating to the project or activity under the Certificate.

Dated this _____ day of _____ 20_____.

Signature _____

(Seal)

EXECUTIVE DIRECTOR

FORM 9

Regulation 31(2).

**NOTIFICATION OF INTENTION TO SURRENDER
CERTIFICATE OF APPROVAL OF ENVIRONMENTAL AND
SOCIAL IMPACT ASSESSMENT**

To the Authority

Details of Current Certificate

Name of the current developer as indicated in the Certificate

TIN No _____

Address _____ Tel: _____

Fax No _____ E-mail _____

Current Certificate No. _____

Date of issuance _____

Current status of project or activity _____

Reason(s) for surrender of Certificate

State pending liabilities or obligations with regard to the project or activity

State any recommendation(s)

Declaration by developer

It is hereby notified that I _____

of _____ on this day of _____ surrender Certificate of Approval of Environmental and Social Impact Assessment No. _____ to the National Environment Management Authority.

I take full responsibility for any pending liabilities or obligations under the Certificate.

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

Dated this.....day of.....20.....

Name

Designation

Signature

SCHEDULE 4

*Regulations 6(5) (a), 7(2), 9(5),
10 (2), 18(2), 24 (5),
26 (4) (a), 27 (4),
30 (4), 49 (1)*

FEES AND OTHER COSTS.

PART I – ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT FEES.

	<i>Description of categories</i>	<i>EIA rate (%)</i>
1.	Where the total value of the project does not exceed 50,000,000/=	0.500
2.	Where the total value of the project is more than UGX 50,000,000/= but does not exceed UGX 100,000,000/=	0.475
3.	Where the total value of the project is more than UGX 100,000,000/= but does not exceed UGX 250,000,000/=	0.375
4.	Where the total value of the project is more than UGX 250,000,000/= but does not exceed UGX 500,000,000/=	0.280
5.	Where the total value of the project is more than UGX 500,000,000/= but does not exceed UGX 1,000,000,000/=	0.200
6.	Where the total value of the project is more than UGX 1,000,000,000/= but does not exceed UGX 2,500,000,000/=	0.090

	<i>Description of categories</i>	<i>EIA rate (%)</i>
7.	Where the total value of the project is more than UGX 2,500,000,000/= but does not exceed UGX 5,000,000,000/=	0.075
8.	Where the total value of the project is more than UGX 5,000,000,000/= but does not exceed UGX 70,000,000,000/=.	0.070
9.	Where the total value of the project is more than UGX 70,000,000,000/=.	0.05

PART II – OTHER FEES AND COSTS PAYABLE UNDER THESE REGULATIONS

	Nature of item	Fee in UGX
1.	Replacement of lost or damaged certificate of approval of environmental and social impact assessment and non-substantive amendment of the certificate	200,000.
2.	Substantive amendment of certificate of approval of environmental and social impact assessment	300,000.
3.	Extension, transfer or variation of certificate of approval of environmental and social impact assessment	300,000.
4.	Application for surrender of certificate of approval of Environmental and Social Assessment.	No Charge.
5.	Conduct of public hearings.	The developer to meet the cost and expenses of public hearings.

6.	Conduct of public consultations.	The developer shall meet the costs and expenses of public consultations.
7.	Publicity or advertisements.	The Authority may require the developer to meet the cost of publicity or advertisement.
8.	Searches, access and inspection of certificate of approval of environmental and social impact assessment.	Ug.shs. 50,000 per certificate.
9.	Certification of documents.	Ushs. 10,000 per folio but in any case not more than Ushs. 200,000.

SCHEDULE 5

Regulation 18(1).

FORMAT OF ENVIRONMENTAL AND SOCIAL IMPACT STATEMENT

1. Cover page of the environmental and social impact statement shall have—
 - (a) Title of the proposed project.
 - (b) Location of proposed development.
 - (c) Name, address and contact information of the developer.
 - (d) Date of submission.

2. Format of environmental and social impact statement.
 - (a) Declaration sheet signed by all the environmental practitioners who undertook the environmental and social impact study.
 - (b) Executive summary.
 - (c) Acknowledgement.
 - (d) Acronyms.
 - (e) Details of the environmental practitioners who undertook the study, including their names, contact details, and areas of expertise.
 - (f) Structure of the environmental and social impact statement, including—
 - (i) introduction;
 - (ii) findings;
 - (iii) summary and conclusions;
 - (g) a reference list detailing the sources used for the descriptions and assessments included in environmental and social impact statement;

- (h) appendices.
3. Content of the environmental and social impact statement.
- (a) A description of the proposed project, including the name, purpose and nature of the project.
 - (b) Approved terms of reference.
 - (c) The proposed location and physical boundaries, including maps and coordinates, and site layout plans, of the project clearly showing the projected area of land or air that may be affected by the project activities, or, if it is—
 - (i) a linear activity, a description of the route of the activity and analysis of site selection procedure and alternative routes; or
 - (ii) an activity in a water body, the coordinates within which the activity is to be undertaken.
 - (d) An evaluation of project alternatives, including a zero or no-project alternative in terms of project location, project design or technologies to be used, and a justification for selecting the chosen option.
 - (e) The design of the project and any other project related components, including the activities that shall be undertaken and a description of the major material inputs to be used during construction or development and operation of the project.
 - (f) The projected costs of the project evidenced by a certificate of valuation of the capital investment of the project issued by a qualified and registered valuer.
 - (g) The size of the workforce.
 - (h) A description of the manner in which the proposed project and its location conform to existing laws and standards governing such projects, including a reference to relevant plans required under the Physical Planning Act, 2010.

- (i) An indication of permits, licenses or other approvals that may be required for the project.
- (j) Baseline conditions of the physical, biological and socio-economic environment of the project area, including results of relevant studies and other geophysical and geotechnical studies.
- (k) An assessment of potential environmental, health, social, economic and cultural impacts of the project and their severity, and the proposed mitigation measures to be taken during the pre-construction, construction, operational and decommissioning phases of the project.
- (l) proposed mitigation and preparedness measures for potential undesirable impacts that may arise at project implementation, but were not contemplated at the time of undertaking the environmental and social impact assessment;
- (m) An assessment of climate- related impacts associated with the project, including potential climate benefits and carbon footprints of the proposed project, as well as the potential vulnerability of the proposed project or activity to climate change, and the proposed adaptation and mitigation measures.
- (n) An assessment of alternative resettlement areas for project affected persons, if any or any plans of compensation.
- (o) An assessment of the secondary or cumulative impact of the project and associated activities.
- (p) An assessment of the residual impacts, and proposals for offsets and other compensation mechanisms.
- (q) An assessment of the environmental risks, where required.
- (r) A detailed environmental management and monitoring plan incorporating a climate adaptation and mitigation plan.
- (s) Evidence of stakeholder consultation, including how the stakeholders were involved.

- (t) Any other information required by the Authority.
4. The environmental and social impact statement should be outlined in the format set out in paragraph 2 with the chronology of items indicated in the content in paragraph 3, as appropriate.

SCHEDULE 6

Regulation 39(1).

FORMAT OF ENVIRONMENTAL RISK ASSESSMENT.

1. Cover page of the environmental risk assessment.
 - (a) Title of the proposed project/activity
 - (b) Location of proposed project or nature of proposed activity.
 - (c) Name, address and contact information of the developer.
 - (d) Date of submission.

2. Format of environmental risk assessment.
 - (a) Declaration sheet signed by all the environmental practitioners or technical persons who undertook the environmental risk assessment.
 - (b) Executive summary.
 - (c) Acknowledgement.
 - (d) Acronyms.
 - (e) Details of the environmental practitioners and technical persons who undertook the assessment, including their names, contact details, and areas of expertise.
 - (f) Structure of the environmental risk assessment, including—
 - (i) introduction;
 - (ii) findings;
 - (iii) summary and conclusions;
 - (iv) a reference list detailing the sources used for the descriptions and assessments included in environmental risk assessment; and
 - (v) appendices.

3. Content of the Environmental Risk Assessment.

- (a) A description of the proposed project or activity, including the name, purpose and nature of the project or activity.
- (b) Approved terms of reference, including methodology of work.
- (c) The proposed location and physical boundaries, including maps and coordinates, and the site lay out plan of the project, clearly showing the projected area of land or air that may be affected by the project's activities, or, if it is—
 - (i) a linear activity, a description of the route of the activity and analysis of site selection procedure and alternative routes; or
 - (ii) an activity on a water body, the coordinates within which the activity is to be undertaken;
- (d) hazard identification for environmental, social and health risks or hazards associated with the project or activity, including—
 - (i) analyzing existing assumptions and existing norms of design and operation to test the limits of the assumptions and norms;
 - (ii) evaluating the effectiveness of management systems, controls and procedures as appropriate;
 - (iii) considering the possibility that issues identified and rated as minor and insignificant, may become severe or high risk in subsequent phases of the project because of other factors that may trigger and magnify those issues;
 - (iv) considering hazards relating to all phases of the project or activity, including construction, operational and decommissioning phases of the project; and
 - (v) scenario setting and selection.

- (e) vulnerability analysis, including potential exposure of the environment and human beings to a risk or hazard;
- (f) risk analysis, including—
 - (i) setting risk probability and consequence;
 - (ii) risk mitigation measures;
 - (iii) risk acceptance criteria; and
 - (iv) classification or categorization of risk incidents.
- (g) risk response based on the risks identified and analysed, including a zero or no-project alternative, but where the project is to take place, alternative project locations or technologies to be used, and an indication of the justification for selecting the chosen option;
- (h) the projected cost of the project or activity and size of the workforce;
- (i) a description of the manner in which the proposed project or activity conforms to existing laws and standards governing such projects or activities;
- (j) an indication of permits, licenses or other approvals that may be required for the project or activity;
- (k) baseline conditions of the physical, biological and socio-economic environment of the project area, including results of relevant studies;
- (l) an emergency preparedness and response plan;
- (m) evidence of stakeholder consultation;
- (n) any other information required by the Authority.

The Environmental Risk Assessment should be outlined in the format set out in paragraph 2 with the chronology of items indicated in the content in paragraph 3, as appropriate.

Cross References

Access to Information Act, 2005, Act 6 of 2005

Building Control Act, 2013, Act 10 of 2013

Children Act, Cap. 59

Constitution, 1995

National Environment Act 2019, Act 5 of 2019.

National Environment (Conduct and Certification of Environmental Practitioners) Regulations 2003, S.I. 85 of 2003.

National Environment (Waste Management) Regulations, 2020, S.I. 49 of 2020.

National Environment (Audit) Regulations, 2020, S.I. 47 of 2020.

Physical Planning Act, 2010, Act8 of 2010

HON. SAM CHEPTORIS,
Minister responsible for Water and Environment

